

Remarks

Reconsideration of this application is requested. By this amendment, claims 1, 7, 10, 13, 16, 22, and 27 have been amended. Accordingly, claims 1-44 remain in the application.

Information Disclosure Statement

The foreign patent that the Office action mentions appears to be GB 2210480. A copy of this foreign patent is submitted with this response.

Response to Claim Objections of Claims 10 and 16

The Office action objected to claims 10 and 16.

Claims 10 and 16 have been amended to overcome the objection. The amendment to claims 10 and 16 is cosmetic. Therefore, Applicant believes that at least for this reason, this claim is not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.

Response to 35 U.S.C. §112 Rejection

The Office action rejects claims 36-44 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. The Office action states that Claims 36 and 41 recite a storage device that is a polymer ferroelectric memory and that a description of how to implement such a memory structure is not supplied and therefore the claimed invention is not enabled.

Applicants submit that polymer ferroelectric memories, and how to make and use these memories, was known to one skilled in the art at the time of filing of Applicant's Application. For example, see Gudesen et al. (U.S. Patent No. 6,498,744) which discusses devices for ultrafast non-volatile information storage with ferroelectric polymers as the active storage elements (see Col. 3, lines 66-67 continuing to Col. 4, lines 1-22).

Accordingly, Applicants' submit that 36-44 are in conformance with 35 U.S.C. §112, and that the rejection of claims 36-44 under 35 U.S.C. §112 be withdrawn.

Response to 35 U.S.C. §102 Rejection

The Office action rejects claims 1-5, 7-9, 12-15, 17-29, 31-33, and 35 under 35 U.S.C. §102 (b) as being anticipated by Kurzawa et al. (WO 93/21579). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

As is well established, in order to successfully assert a prima facie case of anticipation, the Office action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office action has not succeeded in making a prima facie case.

On page 4, item 10, the Office action states that the limitation of accessing the second partition in a system boot is inherent in Kurzawa since the system is

for the purpose of retaining data in the event of power failure. Applicants respectfully disagree with this conclusion.

Applicants note that Kurzawa et al. disclose only that a copy of each disk record that has been updated is also written to a non-volatile cache memory (NVM), so that it will remain intact in the event of a power failure (see page 1 lines 20-25). The Examiner appears to conclude that because the disk records are preserved in a non-volatile memory in the event of a power failure that this implies that these records are accessed in a system boot. Applicants submit that this conclusion by the Examiner is incorrect. Further, referring to FIG. 1 of Kurzawa et al., Applicants submit that Kurzawa et al. do not teach examining or reading of the disk records or record descriptors in memory 130 during a system boot.

On the other hand, Applicants' amended claim 1 recites, among other things, accessing the second partitioned section upon a system boot. At least this limitation of Applicants' claim 1 is not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 1, it is believed that the rejection of claim 1 should be withdrawn and that claim 1 is in condition for allowance.

Claims 2-5 depend either directly or indirectly from claim 1 and are believed to be allowable for the same reasons as claim 1.

Applicants' amended claim 7 recites, among other things, a second section partitioned from the first section, the second section to store metadata for the data stored in the first section and wherein the second partitioned section is accessed upon a system boot. At least this feature of Applicants' claim 7 is not included in

the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 7, it is believed that the rejection of claim 7 should be withdrawn and that claim 7 is in condition for allowance.

Claims 8-9 and 12 depend from claim 7 and are believed to be allowable for the same reasons as claim 7.

Applicants' amended claim 13 recites, among other things, a memory control hub to cause the first section to store data and the second section to store metadata for the data stored in the first section and a processor coupled to the memory control hub. At least these features of Applicants' claim 13 are not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 13, it is believed that the rejection of claim 13 should be withdrawn and that claim 13 is in condition for allowance.

Claims 14-15 and 17 depend from claim 13 and are believed to be allowable for the same reasons as claim 13.

Applicants' claim 18 recites, among other things, accessing the second partitioned section to determine the state of the cache data in a system boot. At least this limitation of Applicants' claim 18 is not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 18, it is believed that the rejection of claim 18 should be withdrawn and that claim 18 is in condition for allowance.

Claims 19-21 depend from claim 18 and are believed to be allowable for the same reasons as claim 18.

Applicants' amended claim 22 recites, among other things, a fourth group of instructions to access the second partitioned in a system boot. At least this limitation of Applicants' claim 22 is not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 22, it is believed that the rejection of claim 22 should be withdrawn and that claim 22 is in condition for allowance.

Claims 23-26 depend either directly or indirectly from claim 22 and are believed to be allowable for the same reasons as claim 22.

Applicants' amended claim 27 recites, among other things, a fourth group of instructions to access the second partitioned section to determine the state of the cache data in a system boot. At least this limitation of Applicants' claim 27 is not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 27, it is believed that the rejection of claim 27 should be withdrawn and that claim 27 is in condition for allowance.

Claims 28 and 29 depend from claim 27 and are believed to be allowable for the same reasons as claim 27.

Applicants' claim 31 recites, among other things, determining the state of the cache data based upon the read metadata to initialize the non-volatile cache memory for the system boot. At least this limitation of Applicants' claim 31 is not included in the cited document of Kurzawa et al. Since Kurzawa et al. do not teach all the limitations of Applicants' claim 31, it is believed that the rejection of claim 31 should be withdrawn and that claim 31 is in condition for allowance.

Claims 32-33 and 35 depend from claim 31 and are believed to be allowable for the same reasons as claim 31.

Response to 35 U.S.C. §103 Rejections

The Office action rejects claims 6, 10-11, 16, 30, and 34 under 35 U.S.C. §103(a) as being unpatentable over Kurzawa et al. (WO 93/21579) in view of Forehand et al. (U.S. Patent No. 6,516,426). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

Claim 6 depends from claim 1 and is believed to be allowable for the same reasons as claim 1.

Claims 10 and 11 depend either directly or indirectly from claim 7 and are believed to be allowable for the same reasons as claim 7.

Claim 16 depends indirectly from claim 13 and is believed to be allowable for the same reasons as claim 13.

Claim 30 depends from claim 27 and is believed to be allowable for the same reasons as claim 27.

Claim 34 depends from claim 31 and is believed to be allowable for the same reasons as claim 31.

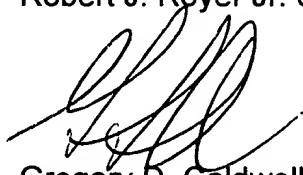
Conclusion

In view of all of the above, it is believed that Applicants' claims are allowable, and the case is in condition for allowance, which action is earnestly solicited. Reconsideration of the rejections and objections is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-0624 is respectfully solicited.

Respectfully submitted,
Robert J. Royer Jr. et al.



Gregory D. Caldwell
Reg. No. 39,926

Dated: September 3, 2004

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1026
(503) 264-0967